

GARRITY, GRAHAM, MURPHY, GAROFALO & FLINN

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

Peter Cipparulo, III, Esq.
NJ Bar
Of Counsel

Certified by the Supreme Court of
New Jersey as a Civil Trial Attorney

Phone Ext. 207
E-Mail: pc@garritygraham.com

ONE LACKAWANNA PLAZA, PO BOX 4205
MONTCLAIR, NJ 07042-8205
(973) 509-7500
FAX (973) 509-0414

New York Office
PMB 46015
140 BROADWAY
46TH FLOOR
NEW YORK, NY 10005
(212) 858-7716

November 12, 2009

VIA ELECTRONICALLY FILE & FAX

Honorable Michael A. Shipp, Magistrate
United States District Court
District of New Jersey
M.L. King, Jr. Federal Building & Courthouse
50 Walnut Street
Newark, NJ 07102

Re: Weber, Joseph v. Atlantic Zeiser, Inc.
Civil Action No. : 08-CV-00977 (DRD/MAS)
Our File No. : 512.21533/JSM

Dear Judge Shipp:

This office represents defendant, Atlantic Zeiser, Inc. in the within matter. Pursuant to the Amended Scheduling Order entered on September 14, 2009, all fact witnesses depositions were to be concluded by November 14, 2009. The defendant seeks an extension of discovery until November 17, 2009. Both my office and counsel for the plaintiff attempted to subpoena the former CEO Atlantic Zeiser, Inc., Walter Klingler, for deposition on October 30, 2009. Plaintiff's counsel was able to serve the deposition notice on the concierge of Mr. Kingler's apartment building. My office was unable to execute service of the subpoena for the deposition.

In any event, on October 30, 2009, my office appeared at plaintiff's attorney's office. Plaintiff's counsel appeared along with a court reporter. Mr. Kingler did not appear for his deposition.

Subsequently, it was learned that Mr. Kingler was in Europe and never received a copy of the subpoena until after the October 30, 2009 date. My office issued a subpoena on November 9, 2009 for Mr. Kingler to appear for his deposition on November 16, 2009. My office provided Mr. Kingler the courtesy of a week's notice for his deposition. My office has confirmed that Mr. Kingler is available and will be appearing at his deposition. As a further

GARRITY, GRAHAM, MURPHY, GAROFALO & FLINN

November 12, 2009

Page 2

courtesy to Mr. Kingler, who is 79 years of age, the deposition will take place in Mr. Kingler's apartment.

I am writing this letter to respectfully request that the Court extend discovery through November 17, 2009 based on the good cause shown.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Cipparulo, III".

PETER CIPPARULO, III

PC:dr

Enclosure

cc: Ari Graff, Esq./Thompson, Wigdor & Gilly, LLP